

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PENNY RUMSEY, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

Case No. 14-cv-12700
HON. GERSHWIN A. DRAIN

BIRCH COMMUNICATIONS, INC.
d/b/a LIGHTYEAR WIRELESS, a Georgia
corporation,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR CLASS CERTIFICATION [#2]
WITHOUT PREJUDICE AND DIRECTING LOCAL COUNSEL TO FILE A NOTICE
OF APPEARANCE**

Plaintiff initiated the present action on July 9, 2014, alleging that Defendant has violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* On the same date as the action was filed, Plaintiff filed a Motion for Class Certification. Because Defendant has not yet been served with the summons and copy of the Complaint, Plaintiff's present motion is premature. Plaintiff may re-file her present motion once she has effectuated proper service on Defendant.

Additionally, the Court notes that a Notice of Appearance from local counsel has not been filed with this Court. This Court requires strict compliance with E.D. Mich. L.R. 83.20(f), which states that a party must obtain local counsel if the party is represented by counsel who is not a member of the State Bar of Michigan. *See* E.D. Mich. L.R. 83.20(f). Local counsel must enter a notice of appearance and attend all conferences and hearings in the case. *Id.* Accordingly, Plaintiff

shall have local counsel file a Notice of Appearance forthwith, and he or she shall be obligated to appear for all conferences and hearings in this matter.

Plaintiff's Motion for Class Certification [#2] is DENIED WITHOUT PREJUDICE.

SO ORDERED.

Dated: July 11, 2014

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE